

shall promulgate regulations to enforce the rights of crime victims and to ensure compliance by responsible officials with the obligations described in law respecting crime victims.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) designate an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(B) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of crime victims, and otherwise assist such employees and offices in responding more effectively to the needs of crime victims;

(C) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of crime victims; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

(Added Pub. L. 108–405, title I, §102(a), Oct. 30, 2004, 118 Stat. 2261; amended Pub. L. 109–248, title II, §212, July 27, 2006, 120 Stat. 616; Pub. L. 111–16, §3(12), May 7, 2009, 123 Stat. 1608; Pub. L. 114–22, title I, §113(a), (c)(1), May 29, 2015, 129 Stat. 240, 241.)

REFERENCES IN TEXT

Section 503(c) of the Victims' Rights and Restitution Act of 1990, referred to in subsec. (a)(10), is section 503(c) of title V of Pub. L. 101–647, which was classified to section 10607(c) of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 20141(c) of Title 34, Crime Control and Law Enforcement.

The Federal Rules of Appellate Procedure, referred to in subsec. (d)(3), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The date of enactment of this chapter, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 108–405, which was approved Oct. 30, 2004.

PRIOR PROVISIONS

A prior section 3771, acts June 25, 1948, ch. 645, 62 Stat. 846; May 24, 1949, ch. 139, §59, 63 Stat. 98; May 10, 1950, ch. 174, §1, 64 Stat. 158; July 7, 1958, Pub. L. 85–508, §12(k), 72 Stat. 348; Mar. 18, 1959, Pub. L. 86–3, §14(g), 73 Stat. 11; Oct. 17, 1968, Pub. L. 90–578, title III, §301(a)(2), 82 Stat. 1115, related to procedure to and including verdict, prior to repeal by Pub. L. 100–702, title IV, §§404(a), 407, Nov. 19, 1988, 102 Stat. 4651, 4652, effective Dec. 1, 1988.

AMENDMENTS

2015—Subsec. (a)(9), (10). Pub. L. 114–22, §113(a)(1), added pars. (9) and (10).

Subsec. (d)(3). Pub. L. 114–22, §113(c)(1), inserted “In deciding such application, the court of appeals shall apply ordinary standards of appellate review.” before “In no event shall”.

Pub. L. 114–22, §113(a)(2), inserted “, unless the litigants, with the approval of the court, have stipulated

to a different time period for consideration” after “after the petition has been filed”.

Subsec. (e). Pub. L. 114–22, §113(a)(3), substituted “For the purposes of this chapter:” for “For the purposes of this chapter, the term”, designated remainder of existing provisions as par. (2) and inserted par. heading, in par. (2), inserted subpar. (A) designation, heading, and “The term” before “‘crime victim’ means” and inserted subpar. (B) designation and heading before “In the case”, and added pars. (1) and (3).

2009—Subsec. (d)(5)(B). Pub. L. 111–16 substituted “14 days” for “10 days”.

2006—Subsec. (b). Pub. L. 109–248 designated existing provisions as par. (1), inserted heading, and added par. (2).

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–22, title I, §113(c)(2), May 29, 2015, 129 Stat. 241, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to any petition for a writ of mandamus filed under section 3771(d)(3) of title 18, United States Code, that is pending on the date of enactment of this Act [May 29, 2015].”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–16 effective Dec. 1, 2009, see section 7 of Pub. L. 111–16, set out as a note under section 109 of Title 11, Bankruptcy.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–405, title I, §101, Oct. 30, 2004, 118 Stat. 2261, provided that: “This title [enacting this chapter and sections 10603d and 10603e of Title 42, The Public Health and Welfare, repealing section 10606 of Title 42, and enacting provisions set out as a note under this section] may be cited as the ‘Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims’ Rights Act’.”

REPORTS ON ASSERTION OF CRIME VICTIMS’ RIGHTS IN CRIMINAL CASES

Pub. L. 108–405, title I, §104(a), Oct. 30, 2004, 118 Stat. 2265, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 30, 2004] and annually thereafter, the Administrative Office of the United States Courts, for each Federal court, shall report to Congress the number of times that a right established in chapter 237 of title 18, United States Code, is asserted in a criminal case and the relief requested is denied and, with respect to each such denial, the reason for such denial, as well as the number of times a mandamus action is brought pursuant to chapter 237 of title 18, and the result reached.”

CHAPTER 238—SEXUAL ASSAULT SURVIVORS’ RIGHTS

Sec.

3772. Sexual assault survivors’ rights.

§ 3772. Sexual assault survivors’ rights

(a) RIGHTS OF SEXUAL ASSAULT SURVIVORS.—In addition to those rights provided in section 3771, a sexual assault survivor has the following rights:

(1) The right not to be prevented from, or charged for, receiving a medical forensic examination.

(2) The right to—

(A) subject to paragraph (3), have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(B) be informed of any result of a sexual assault evidence collection kit, including a

DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

(C) be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

(3) The right to—

(A) upon written request, receive written notification from the appropriate official with custody not later than 60 days before the date of the intended destruction or disposal; and

(B) upon written request, be granted further preservation of the kit or its probative contents.

(4) The right to be informed of the rights under this subsection.

(b) **APPLICABILITY.**—Subsections (b) through (f) of section 3771 shall apply to sexual assault survivors.

(c) **DEFINITION OF SEXUAL ASSAULT.**—In this section, the term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(d) **FUNDING.**—This section, other than paragraphs (2)(A) and (3)(B) of subsection (a), shall be carried out using funds made available under section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)).¹ No additional funds are authorized to be appropriated to carry out this section.

(Added Pub. L. 114-236, §2(a), Oct. 7, 2016, 130 Stat. 966.)

REFERENCES IN TEXT

Section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984, referred to in subsec. (d), is section 1402(d)(3)(A)(i) of chapter XIV of title II of Pub. L. 98-473, which was classified to section 10601(d)(3)(A)(i) of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 20101(d)(3)(A)(i) of Title 34, Crime Control and Law Enforcement.

PRIOR PROVISIONS

A prior section 3772, acts June 25, 1948, ch. 645, 62 Stat. 846; May 24, 1949, ch. 139, §60, 63 Stat. 98; July 7, 1958, Pub. L. 85-508, §12(7), 72 Stat. 348; Mar. 18, 1959, Pub. L. 86-3, §14(h), 73 Stat. 11; Oct. 12, 1984, Pub. L. 98-473, title II, §206, 98 Stat. 1986, related to procedure after verdict, prior to repeal by Pub. L. 100-702, title IV, §§404(a), 407, Nov. 19, 1988, 102 Stat. 4651, 4652, effective Dec. 1, 1988.

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AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3597, Nov. 29, 1990, 104 Stat. 4931, added items 306 and 319.

1984—Pub. L. 98-473, title II, §218(d), Oct. 12, 1984, 98 Stat. 2027, in items 309, 311, and 314 substituted “Repealed” for “Good time allowances”, “Parole”, and “Narcotic addicts”, respectively.

Pub. L. 98-473, title II, §403(b), Oct. 12, 1984, 98 Stat. 2067, substituted “Offenders with mental disease or defect” for “Mental defectives” in item 313.

1966—Pub. L. 89-793, title VI, §603, Nov. 8, 1966, 80 Stat. 1450, added item 314.

CHAPTER 301—GENERAL PROVISIONS

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AMENDMENTS

1998—Pub. L. 105-370, §2(b), Nov. 12, 1998, 112 Stat. 3375, added item 4014.

1988—Pub. L. 100-690, title VII, §7608(d)(2), Nov. 18, 1988, 102 Stat. 4517, added item 4013.

1984—Pub. L. 98-473, title II, §1109(e), Oct. 12, 1984, 98 Stat. 2148, added item 4012.

1971—Pub. L. 92-128, §1(c), Sept. 25, 1971, 85 Stat. 347, substituted “Limitation on detention; control of prisons” for “Control by Attorney General” in item 4001.

1966—Pub. L. 89-554, §3(e), Sept. 6, 1966, 80 Stat. 610, added items 4010 and 4011.

§ 4001. Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

(b)(1) The control and management of Federal penal and correctional institutions, except military or naval institutions, shall be vested in the Attorney General, who shall promulgate rules for the government thereof, and appoint all necessary officers and employees in accordance with the civil-service laws, the Classification Act, as amended, and the applicable regulations.

(2) The Attorney General may establish and conduct industries, farms, and other activities and classify the inmates; and provide for their proper government, discipline, treatment, care, rehabilitation, and reformation.

(June 25, 1948, ch. 645, 62 Stat. 847; Pub. L. 92-128, §1(a), (b), Sept. 25, 1971, 85 Stat. 347.)